

In the Matter of Merchant Mariner's Document No. Z-335154-D4 and all other Seaman Documents

Issued to: Louis Samuel Smith

DECISION OF THE COMMANDANT
UNITED STATES COAST GUARD

1102

Louis Samuel Smith

This appeal has been taken in accordance with Title 46 United States Code 239b and Title 46 Code of Federal Regulations 137.11-1.

By order dated 2 June 1958, and Examiner of the United States Coast Guard at Baltimore, Maryland revoked Appellant's seaman documents upon finding him guilty of the charge of "conviction for a narcotic drug law violation." The specification alleges that, on or about 20 May 1958, Appellant was convicted by the Criminal Court of Baltimore, State of Maryland, a court of record, for a violation of the narcotic drug laws of the State of Maryland (possession of marijuana).

The hearing was conducted in absentia when Appellant failed to appear. On behalf of the Appellant, the Examiner entered a plea of not guilty to the charge and specification. The Investigating Officer introduced in evidence a certified copy of a conviction as alleged in the specification. The Examiner rendered the decision in which he concluded that the charge and specification had been proved. He then entered an order revoking all documents issued to Appellant.

On appeal, Appellant states that he was not in Baltimore on the date of the hearing; he has been going to sea since 1945 without having had any prior trouble; and he is unable to obtain employment ashore.

The record shows that Appellant was given timely notice of the hearing a week in advance. Hence, there is no basis for granting his request for another hearing.

The other two grounds of appeal have no bearing on the outcome of this proceeding because 46 U.S. Code 239b(b)(1) requires the revocation of a seaman's documents upon proof of his conviction by a court of record for violation of a narcotic drug law of the State of Maryland as alleged above. Hence, the conviction is conclusive for the purpose of this proceeding revoking all seaman documents issued to Appellant.

ORDER

The order of the Examiner dated at Baltimore, Maryland, on 2

June 1958, is AFFIRMED.

A. C. Richmond
Vice Admiral, United States Coast Guard
Commandant

Dated at Washington, D.C., this 30th day of July, 1959.